

Jon M. Moyers
WY State Bar #6-3661
MOYERS LAW P.C.
490 North 31st Street, Suite 101
Billings, Montana 59101
(406) 655-4900
(406) 655-4905 fax
jon@jmoyerslaw.com

Attorney for Movant Scott J. Goldstein,
Personal Injury Trustee for the
Personal Injury Trust of
Powell Valley Health Care, Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

HOMELAND INSURANCE COMPANY OF NEW YORK,
)
)
)

Plaintiff,
)
)
)

vs.
)
)
)

POWELL HOSPITAL DISTRICT, POWELL VALLEY HEALTH CARE, INC., HEALTHTECH MANAGEMENT SERVICES, INC., JEFFREY HANSEN, M.D., and WILLIAM D. PATTEN,
)
)
)
)
)
)
)

Defendants,
)
)
)
)
)
)
)

and
)
)
)
)
)
)
)

HEALTHTECH MANAGEMENT SERVICES, INC., and WILLIAM D. PATTEN,
)
)
)
)
)
)
)

Counter-Claimants,
)
)
)
)
)
)
)

vs.
)
)
)
)
)
)
)

UMIA INSURANCE, INC., and LEXINGTON INSURANCE COMPANY,
)
)
)
)
)
)
)

Cross-Claimants.
)
)
)
)
)
)
)

vs.
)
)
)
)
)
)
)

Case No. 15-CV-31-J

MOVANT'S MOTION FOR
SUBSTITUTION
OF DEFENDANT POWELL
VALLEY HEALTH CARE, INC.

UMIA INSURANCE, INC., and LEXINGTON)
INSURANCE COMPANY,)
)
Crossclaim-Defendants.)

COMES NOW Movant Scott R. Goldstein, the Personal Injury Trustee of the Personal Injury Trust for Powell Valley Health Care, Inc., by and through his undersigned attorneys of records, and herewith moves this Court for his substitution for and on behalf of Defendant Powell Valley Healthcare, Inc.

Defendant Powell Valley Health Care, Inc., filed Chapter 11 in the United States Bankruptcy Court for the District of Wyoming, Case No. 16-20326. By the Order Confirming Modified Amended Chapter 11 Plan of Reorganization, issued by the United States Bankruptcy Court for the District of Wyoming, dated January 24, 2018, effective February 15, 2018, Mr. Goldstein was authorized as the Personal Injury Trustee for Powell Valley Health Care, Inc. *See* Ex. A, ¶ 5 of Order. By order of the United States Bankruptcy Court for the District of Wyoming, all rights and claims as an insured under the insurance policies of Defendant Powell Valley Healthcare, Inc., were assigned and transferred to Mr. Goldstein as the Personal Injury Trustee. *See* Ex. B, Modified Amended Chapter 11 Plan of Reorganization for Powell Valley Health Care, Inc., dated January 19, 2018, ¶¶ 7.2. By these orders, the Personal Injury Trustee, as representative of, and successor to the Powell Valley Healthcare, Inc., under 11 U.S.C. § 1123(b)(3)(B), is authorized to pursue any rights and claims as an insured under the insurance policies at issue, and any other rights or claims set forth in, or arising under this Declaratory Judgment Action, including coverage claims and extra-contractual claims, including bad faith claims.

By this motion, Scott R. Goldstein, the Personal Injury Trustee of the Personal Injury Trust for Powell Valley Health Care, Inc., moves for this Court to be substituted for Defendants Powell Valley Health Care, Inc.

DATED this 1st day of March, 2018.

MOYERS LAW P.C.

By: /s/ Jon Moyers
Jon M. Moyers #6-3661
490 North 31st Street, Suite 101
Billings, Montana 59101
(406) 655-4900
(406) 655-4905 fax

Attorney for Scott J. Goldstein
Personal Injury Trustee for the
Personal Injury Trust of Powell
Valley Health Care, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed using the CM/ECF system and served on the following individuals via:

Charles E. Spevacek
Tiffany M. Brown
Meagher & Geer PLLP
33 South Sixth Street Suite 4400
Minneapolis, MN 55402
cspevacek@meagher.com
tbrown@meagher.com
Attorneys for Homeland Insurance Company of New York

CM/ECF

Judith A Studer
Schwartz Bon Walker & Studer
141 South Center Street Suite 505
Casper, WY 82601
jstuder@schwartzbon.com
Attorney for Homeland Insurance Company of New York

CM/ECF

Tracy J Copenhaver
Copenhaver Kath Kitchen & Kolpticke
224 North Clark Street
P O Box 839
Powell, WY 82435-0839
tracy@ckattorneys.net
Counsel for Powell Hospital District No 1; Powell Valley Health Care Inc.

CM/ECF

Joanna R. Vilos
Holland & Hart
2515 Warren Avenue Suite 450
PO Box 1347
Cheyenne, WY 82003
jvilos@hollandhart.com
Attorney for HealthTech Management Services Inc. and William D Patten

CM/ECF

Jose A. Ramirez
Holland & Hart LLP
6380 South Fiddler's Green Circle Suite 500
Greenwood Village, CO 80111
jramirez@hollandhart.com
Attorney for HealthTech Management Services Inc.

CM/ECF

Catherine A. Naltsas
R Jeff Carlisle
Lynberg & Watkins
1150 Olive Street Suite 1800
Los Angeles, CA 90015
cnaltsas@lynberg.com
jcarlisle@lynberg.com
Attorney for Lexington Insurance Company

CM/ECF

Deborah G. Muirhead Kellam
Hall & Evans
866 N 4th Street Suite 3
Laramie, WY 82072
kellamd@hallevans.com
Attorney for Lexington Insurance Company

CM/ECF

Julie Tiedeken
McKellar, Tiedeken & Scoggin, LLC
702 Randall Avenue
Cheyenne, WY 82001
jtiedeken@mtslegal.net
Counsel for UMIA Insurance, Inc.

CM/ECF

Marilyn Chappell
Jon F. Sands
Sweetbaum Sands Anderson PC
1125 17th Street Suite 2100
Denver, CO 80202
mchappell@sweetbaumsands.com
jsands@sweetbaumsands.com
Counsel for UMIA Insurance, Inc.

CM/ECF

On March 1, 2018

/s/ Jon Moyers
Jon M. Moyers